## In the Senate of the United States,

December 6, 2006.

Resolved, That the bill from the House of Representatives (H.R. 864) entitled "An Act to provide for programs and activities with respect to the prevention of underage drinking.", do pass with the following

### **AMENDMENT:**

Strike out all after the enacting clause and insert:

- 1 SECTION 1. SHORT TITLE.
- 2 This Act may be cited as the "Sober Truth on Pre-
- 3 venting Underage Drinking Act" or the "STOP Act".

1	$SEC.\ 2.\ AMENDMENT\ TO\ THE\ PUBLIC\ HEALTH\ SERVICE\ ACT.$
2	Section 519B of the Public Health Service Act (42
3	U.S.C. 290bb-25b) is amended by striking subsections (a)
4	through (f) and inserting the following:
5	"(a) Definitions.—For purposes of this section:
6	"(1) The term 'alcohol beverage industry' means
7	the brewers, vintners, distillers, importers, distribu-
8	tors, and retail or online outlets that sell or serve
9	beer, wine, and distilled spirits.
10	"(2) The term 'school-based prevention' means
11	programs, which are institutionalized, and run by
12	staff members or school-designated persons or organi-
13	zations in any grade of school, kindergarten through
14	12th grade.
15	"(3) The term 'youth' means persons under the
16	age of 21.
17	"(4) The term 'IOM report' means the report re-
18	leased in September 2003 by the National Research
19	Council, Institute of Medicine, and entitled 'Reducing
20	$Underage\ Drinking: A\ Collective\ Responsibility'.$
21	"(b) Sense of Congress.—It is the sense of the Con-
22	gress that:
23	"(1) A multi-faceted effort is needed to more suc-
24	cessfully address the problem of underage drinking in
25	the United States. A coordinated approach to preven-
26	tion, intervention, treatment, enforcement, and re-

1	search is key to making progress. This Act recognizes
2	the need for a focused national effort, and addresses
3	particulars of the Federal portion of that effort, as
4	well as Federal support for State activities.
5	"(2) The Secretary of Health and Human Serv-
6	ices shall continue to conduct research and collect
7	data on the short and long-range impact of alcohol
8	use and abuse upon adolescent brain development and
9	other organ systems.
10	"(3) States and communities, including colleges
11	and universities, are encouraged to adopt comprehen-
12	sive prevention approaches, including—
13	"(A) evidence-based screening, programs
14	and curricula;
15	"(B) brief intervention strategies;
16	"(C) consistent policy enforcement; and
17	"(D) environmental changes that limit un-
18	derage access to alcohol.
19	"(4) Public health groups, consumer groups, and
20	the alcohol beverage industry should continue and ex-
21	pand evidence-based efforts to prevent and reduce un-
22	derage drinking.
23	"(5) The entertainment industries have a power-
24	ful impact on youth, and they should use rating sys-
25	tems and marketing codes to reduce the likelihood that

- underage audiences will be exposed to movies, recordings, or television programs with unsuitable alcohol
   content.
  - "(6) The National Collegiate Athletic Association, its member colleges and universities, and athletic conferences should affirm a commitment to a policy of discouraging alcohol use among underage students and other young fans.
  - "(7) Alcohol is a unique product and should be regulated differently than other products by the States and Federal Government. States have primary authority to regulate alcohol distribution and sale, and the Federal Government should support and supplement these State efforts. States also have a responsibility to fight youth access to alcohol and reduce underage drinking. Continued State regulation and licensing of the manufacture, importation, sale, distribution, transportation and storage of alcoholic beverages are clearly in the public interest and are critical to promoting responsible consumption, preventing illegal access to alcohol by persons under 21 years of age from commercial and non-commercial sources, maintaining industry integrity and an orderly marketplace, and furthering effective State tax collection.

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1	"(c) Interagency Coordinating Committee; An-
2	NUAL REPORT ON STATE UNDERAGE DRINKING PREVEN-
3	TION AND ENFORCEMENT ACTIVITIES.—
4	"(1) Interagency coordinating committee
5	ON THE PREVENTION OF UNDERAGE DRINKING.—
6	"(A) In general.—The Secretary, in col-
7	laboration with the Federal officials specified in
8	subparagraph (B), shall formally establish and
9	enhance the efforts of the interagency coordi-
10	nating committee, that began operating in 2004,
11	focusing on underage drinking (referred to in
12	this subsection as the 'Committee').
13	"(B) Other agencies.—The officials re-
14	ferred to in paragraph (1) are the Secretary of
15	Education, the Attorney General, the Secretary
16	of Transportation, the Secretary of the Treasury,
17	the Secretary of Defense, the Surgeon General,
18	the Director of the Centers for Disease Control
19	and Prevention, the Director of the National In-
20	stitute on Alcohol Abuse and Alcoholism, the Ad-
21	ministrator of the Substance Abuse and Mental
22	Health Services Administration, the Director of
23	the National Institute on Drug Abuse, the Assist-
24	ant Secretary for Children and Families, the Di-
25	rector of the Office of National Drug Control

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Policy, the Administrator of the National Highway Traffic Safety Administration, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Chairman of the Federal Trade Commission, and such other Federal officials as the Secretary of Health and Human Services determines to be appropriate.

- "(C) Chair.—The Secretary of Health and Human Services shall serve as the chair of the Committee.
- "(D) DUTIES.—The Committee shall guide policy and program development across the Federal Government with respect to underage drinking, provided, however, that nothing in this section shall be construed as transferring regulatory or program authority from an Agency to the Coordinating Committee.
- "(E) CONSULTATIONS.—The Committee shall actively seek the input of and shall consult with all appropriate and interested parties, including States, public health research and interest groups, foundations, and alcohol beverage industry trade associations and companies.
- "(F) Annual report.—

1	"(i) In general.—The Secretary, on
2	behalf of the Committee, shall annually sub-
3	mit to the Congress a report that
4	summarizes—
5	"(I) all programs and policies of
6	Federal agencies designed to prevent
7	and reduce underage drinking;
8	"(II) the extent of progress in pre-
9	venting and reducing underage drink-
10	$ing \ nationally;$
11	"(III) data that the Secretary
12	shall collect with respect to the infor-
13	mation specified in clause (ii); and
14	"(IV) such other information re-
15	garding underage drinking as the Sec-
16	retary determines to be appropriate.
17	"(ii) Certain information.—The re-
18	port under clause (i) shall include informa-
19	tion on the following:
20	"(I) Patterns and consequences of
21	underage drinking as reported in re-
22	search and surveys such as, but not
23	limited to Monitoring the Future,
24	Youth Risk Behavior Surveillance Sys-
25	tem, the National Survey on Drug Use

1	and Health, and the Fatality Analysis
2	$Reporting\ System.$
3	"(II) Measures of the availability
4	of alcohol from commercial and non-
5	commercial sources to underage popu-
6	lations.
7	"(III) Measures of the exposure of
8	underage populations to messages re-
9	garding alcohol in advertising and the
10	entertainment media as reported by the
11	Federal Trade Commission.
12	"(IV) Surveillance data, including
13	information on the onset and preva-
14	lence of underage drinking, consump-
15	tion patterns and the means of under-
16	age access. The Secretary shall develop
17	a plan to improve the collection, meas-
18	urement and consistency of reporting
19	Federal underage alcohol data.
20	"(V) Any additional findings re-
21	sulting from research conducted or sup-
22	ported under subsection (f).
23	"(VI) Evidence-based best prac-
24	tices to prevent and reduce underage

1	drinking and provide treatment serv-
2	ices to those youth who need them.
3	"(2) Annual report on state underage
4	DRINKING PREVENTION AND ENFORCEMENT ACTIVI-
5	TIES.—
6	"(A) In General.—The Secretary shall,
7	with input and collaboration from other appro-
8	priate Federal agencies, States, Indian tribes,
9	territories, and public health, consumer, and al-
10	cohol beverage industry groups, annually issue a
11	report on each State's performance in enacting,
12	enforcing, and creating laws, regulations, and
13	programs to prevent or reduce underage drink-
14	ing.
15	"(B) State performance measures.—
16	"(i) In general.—The Secretary shall
17	develop, in consultation with the Com-
18	mittee, a set of measures to be used in pre-
19	paring the report on best practices.
20	"(ii) Categories.—In developing
21	these measures, the Secretary shall consider
22	categories including, but not limited to:
23	"(I) Whether or not the State has
24	comprehensive anti-underage drinking
25	laws such as for the illegal sale, pur-

chase, attempt to purchase, consumption, or possession of alcohol; illegal use of fraudulent ID; illegal furnishing or obtaining of alcohol for an individual under 21 years; the degree of strictness of the penalties for such offenses; and the prevalence of the enforcement of each of these infractions.

"(II) Whether or not the State has comprehensive liability statutes pertaining to underage access to alcohol such as dram shop, social host, and house party laws, and the prevalence of enforcement of each of these laws.

"(III) Whether or not the State encourages and conducts comprehensive enforcement efforts to prevent underage access to alcohol at retail outlets, such as random compliance checks and shoulder tap programs, and the number of compliance checks within alcohol retail outlets measured against the number of total alcohol retail outlets in each State, and the result of such checks.

1	"(IV) Whether or not the State en-
2	courages training on the proper selling
3	and serving of alcohol for all sellers
4	and servers of alcohol as a condition of
5	employment.
6	"(V) Whether or not the State has
7	policies and regulations with regard to
8	direct sales to consumers and home de-
9	livery of alcoholic beverages.
10	"(VI) Whether or not the State
11	has programs or laws to deter adults
12	from purchasing alcohol for minors;
13	and the number of adults targeted by
14	these programs.
15	"(VII) Whether or not the State
16	has programs targeted to youths, par-
17	ents, and caregivers to deter underage
18	drinking; and the number of individ-
19	uals served by these programs.
20	"(VIII) Whether or not the State
21	has enacted graduated drivers licenses
22	and the extent of those provisions.
23	"(IX) The amount that the State
24	invests, per youth capita, on the pre-

1	vention of underage drinking, further
2	broken down by the amount spent on—
3	"(aa) compliance check pro-
4	grams in retail outlets, including
5	providing technology to prevent
6	and detect the use of false identi-
7	fication by minors to make alco-
8	$hol\ purchases;$
9	"(bb) checkpoints and satura-
10	tion patrols that include the goal
11	of reducing and deterring under-
12	$age\ drinking;$
13	``(cc) community-based,
14	school-based, and higher-edu-
15	cation-based programs to prevent
16	$underage\ drinking;$
17	"(dd) underage drinking pre-
18	vention programs that target
19	youth within the juvenile justice
20	and child welfare systems; and
21	"(ee) other State efforts or
22	programs as deemed appropriate.
23	"(3) Authorization of appropriations.—
24	There are authorized to be appropriated to carry out
25	this subsection \$1,000,000 for fiscal year 2007, and

1	\$1,000,000	for	each	of	the	fiscal	years	2008	through

2 2010.

- 3 "(d) National Media Campaign To Prevent Un-4 derage Drinking.—
- 5 "(1) SCOPE OF THE CAMPAIGN.—The Secretary
  6 shall continue to fund and oversee the production,
  7 broadcasting, and evaluation of the national adult8 oriented media public service campaign if the Sec9 retary determines that such campaign is effective in
  10 achieving the media campaign's measurable objec11 tives.
  - "(2) Report.—The Secretary shall provide a report to the Congress annually detailing the production, broadcasting, and evaluation of the campaign referred to in paragraph (1), and to detail in the report the effectiveness of the campaign in reducing underage drinking, the need for and likely effectiveness of an expanded adult-oriented media campaign, and the feasibility and the likely effectiveness of a national youth-focused media campaign to combat underage drinking.
  - "(3) Consultation requirement.—In carrying out the media campaign, the Secretary shall direct the entity carrying out the national adult-oriented media public service campaign to consult with

interested parties including both the alcohol beverage
 industry and public health and consumer groups. The
 progress of this consultative process is to be covered
 in the report under paragraph (2).

"(4) AUTHORIZATION OF APPROPRIATIONS.—
There are authorized to be appropriated to carry out
this subsection, \$1,000,000 for fiscal year 2007 and
\$1,000,000 for each of the fiscal years 2008 through
2010.

#### "(e) Interventions.—

"(1) Community-based coalition enhancement grants to prevent underage drinking.—

"(A) AUTHORIZATION OF PROGRAM.—The Administrator of the Substance Abuse and Mental Health Services Administration, in consultation with the Director of the Office of National Drug Control Policy, shall award, if the Administrator determines that the Department of Health and Human Services is not currently conducting activities that duplicate activities of the type described in this subsection, 'enhancement grants' to eligible entities to design, test, evaluate and disseminate effective strategies to maximize the effectiveness of community-wide approaches to preventing and reducing underage

1	drinking. This subsection is subject to the avail-
2	ability of appropriations.
3	"(B) Purposes.—The purposes of this
4	paragraph are to—
5	"(i) prevent and reduce alcohol use
6	among youth in communities throughout
7	the United States;
8	"(ii) strengthen collaboration among
9	communities, the Federal Government, and
10	State, local, and tribal governments;
11	"(iii) enhance intergovernmental co-
12	operation and coordination on the issue of
13	alcohol use among youth;
14	"(iv) serve as a catalyst for increased
15	citizen participation and greater collabora-
16	tion among all sectors and organizations of
17	a community that first demonstrates a long-
18	term commitment to reducing alcohol use
19	among youth;
20	"(v) disseminate to communities time-
21	ly information regarding state-of-the-art
22	practices and initiatives that have proven
23	to be effective in preventing and reducing
24	alcohol use among youth; and

1	"(vi) enhance, not supplant, effective
2	local community initiatives for preventing
3	and reducing alcohol use among youth.
4	"(C) Application.—An eligible entity de-
5	siring an enhancement grant under this para-
6	graph shall submit an application to the Admin-
7	istrator at such time, and in such manner, and
8	accompanied by such information as the Admin-
9	istrator may require. Each application shall
10	include—
11	"(i) a complete description of the enti-
12	ty's current underage alcohol use prevention
13	initiatives and how the grant will appro-
14	priately enhance the focus on underage
15	drinking issues; or
16	"(ii) a complete description of the enti-
17	ty's current initiatives, and how it will use
18	this grant to enhance those initiatives by
19	adding a focus on underage drinking pre-
20	vention.
21	"(D) USES OF FUNDS.—Each eligible entity
22	that receives a grant under this paragraph shall
23	use the grant funds to carry out the activities de-
24	scribed in such entity's application submitted
25	nursuant to subnaraaranh (C) Grants under

1	this paragraph shall not exceed \$50,000 per year
2	and may not exceed four years.
3	"(E) Supplement not supplant.—Grant
4	funds provided under this paragraph shall be
5	used to supplement, not supplant, Federal and
6	non-Federal funds available for carrying out the
7	activities described in this paragraph.
8	"(F) EVALUATION.—Grants under this
9	paragraph shall be subject to the same evaluation
10	requirements and procedures as the evaluation
11	requirements and procedures imposed on recipi-
12	ents of drug free community grants.
13	"(G) Definitions.—For purposes of this
14	paragraph, the term 'eligible entity' means an
15	organization that is currently receiving or has
16	received grant funds under the Drug-Free Com-
17	munities Act of 1997 (21 U.S.C. 1521 et seq.).
18	"(H) Administrative expenses.—Not
19	more than 6 percent of a grant under this para-
20	graph may be expended for administrative ex-
21	penses.
22	"(I) Authorization of Appropria-
23	TIONS.—There are authorized to be appropriated
24	to carry out this paragraph \$5,000,000 for fiscal

1	year 2007, and \$5,000,000 for each of the fiscal
2	years 2008 through 2010.
3	"(2) Grants directed at preventing and re-
4	DUCING ALCOHOL ABUSE AT INSTITUTIONS OF HIGH-
5	ER EDUCATION.—
6	"(A) Authorization of program.—The
7	Secretary shall award grants to eligible entities
8	to enable the entities to prevent and reduce the
9	rate of underage alcohol consumption including
10	binge drinking among students at institutions of
11	higher education.
12	"(B) Applications.—An eligible entity
13	that desires to receive a grant under this para-
14	graph shall submit an application to the Sec-
15	retary at such time, in such manner, and accom-
16	panied by such information as the Secretary
17	may require. Each application shall include—
18	"(i) a description of how the eligible
19	entity will work to enhance an existing, or
20	where none exists to build a, statewide coa-
21	lition;
22	"(ii) a description of how the eligible
23	entity will target underage students in the
24	State;

1	"(iii) a description of how the eligible
2	entity intends to ensure that the statewide
3	coalition is actually implementing the pur-
4	pose of this section and moving toward in-
5	dicators described in subparagraph (D);
6	"(iv) a list of the members of the state-
7	wide coalition or interested parties involved
8	in the work of the eligible entity;
9	"(v) a description of how the eligible
10	entity intends to work with State agencies
11	on substance abuse prevention and edu-
12	cation;
13	"(vi) the anticipated impact of funds
14	provided under this paragraph in pre-
15	venting and reducing the rates of underage
16	alcohol use;
17	"(vii) outreach strategies, including
18	ways in which the eligible entity proposes
19	to—
20	"(I) reach out to students and
21	$community\ stake holders;$
22	"(II) promote the purpose of this
23	paragraph;

1	"(III) address the range of needs
2	of the students and the surrounding
3	communities; and
4	"(IV) address community norms
5	for underage students regarding alcohol
6	use; and
7	"(viii) such additional information as
8	required by the Secretary.
9	"(C) Uses of funds.—Each eligible entity
10	that receives a grant under this paragraph shall
11	use the grant funds to carry out the activities de-
12	scribed in such entity's application submitted
13	pursuant to subparagraph (B).
14	"(D) Accountability.—On the date on
15	which the Secretary first publishes a notice in
16	the Federal Register soliciting applications for
17	grants under this paragraph, the Secretary shall
18	include in the notice achievement indicators for
19	the program authorized under this paragraph.
20	The achievement indicators shall be designed—
21	"(i) to measure the impact that the
22	statewide coalitions assisted under this
23	paragraph are having on the institutions of
24	higher education and the surrounding com-
25	munities, including changes in the number

1	of incidents of any kind in which students
2	have abused alcohol or consumed alcohol
3	while under the age of 21 (including viola-
4	tions, physical assaults, sexual assaults, re-
5	ports of intimidation, disruptions of school
6	functions, disruptions of student studies,
7	mental health referrals, illnesses, or deaths);
8	"(ii) to measure the quality and acces-
9	sibility of the programs or information of-
10	fered by the eligible entity; and
11	"(iii) to provide such other measures of
12	program impact as the Secretary deter-
13	mines appropriate.
14	"(E) Supplement not supplant.—Grant
15	funds provided under this paragraph shall be
16	used to supplement, and not supplant, Federal
17	and non-Federal funds available for carrying out
18	the activities described in this paragraph.
19	"(F) Definitions.—For purposes of this
20	paragraph:
21	"(i) Eligible entity.—The term 'eli-
22	gible entity' means a State, institution of
23	higher education, or nonprofit entity.
24	"(ii) Institution of higher edu-
25	CATION—The term 'institution of higher

1	education' has the meaning given the term
2	in section 101(a) of the Higher Education
3	Act of 1965 (20 U.S.C. 1001(a)).
4	"(iii) Secretary.—The term 'Sec-
5	retary' means the Secretary of Education.
6	"(iv) State.—The term 'State' means
7	each of the 50 States, the District of Colum-
8	bia, and the Commonwealth of Puerto Rico.
9	"(v) Statewide coalition.—The
10	term 'statewide coalition' means a coalition
11	that—
12	"(I) includes, but is not limited
13	to—
14	"(aa) institutions of higher
15	education within a State; and
16	"(bb) a nonprofit group, a
17	community underage drinking
18	prevention coalition, or another
19	substance abuse prevention group
20	within a State; and
21	"(II) works toward lowering the
22	alcohol abuse rate by targeting under-
23	age students at institutions of higher
24	education throughout the State and in
25	the surrounding communities.

1	"(vi) Surrounding community.—The
2	term 'surrounding community' means the
3	community—
4	"(I) that surrounds an institution
5	of higher education participating in a
6	$state wide\ coalition;$
7	"(II) where the students from the
8	institution of higher education take
9	part in the community; and
10	"(III) where students from the in-
11	stitution of higher education live in
12	off-campus housing.
13	"(G) Administrative expenses.—Not
14	more than 5 percent of a grant under this para-
15	graph may be expended for administrative ex-
16	penses.
17	"(H) Authorization of Appropria-
18	TIONS.—There are authorized to be appropriated
19	to carry out this paragraph \$5,000,000 for fiscal
20	year 2007, and \$5,000,000 for each of the fiscal
21	years 2008 through 2010.
22	"(f) Additional Research.—
23	"(1) Additional research on underage
24	DRINKING.—

"(A) In General.—The Secretary shall, subject to the availability of appropriations, collect data, and conduct or support research that is not duplicative of research currently being conducted or supported by the Department of Health and Human Services, on underage drinking, with respect to the following:

"(i) Comprehensive community-based programs or strategies and statewide systems to prevent and reduce underage drinking, across the underage years from early childhood to age 21, including programs funded and implemented by government entities, public health interest groups and foundations, and alcohol beverage companies and trade associations.

"(ii) Annually obtain and report more precise information than is currently collected on the scope of the underage drinking problem and patterns of underage alcohol consumption, including improved knowledge about the problem and progress in preventing, reducing and treating underage drinking; as well as information on the rate of exposure of youth to advertising and

1	other media messages encouraging and dis-
2	couraging alcohol consumption.
3	"(iii) Compiling information on the
4	involvement of alcohol in unnatural deaths
5	of persons ages 12 to 20 in the United
6	States, including suicides, homicides, and
7	unintentional injuries such as falls,
8	drownings, burns, poisonings, and motor
9	vehicle crash deaths.
10	"(B) Certain matters.—The Secretary
11	shall carry out activities toward the following
12	objectives with respect to underage drinking:
13	"(i) Obtaining new epidemiological
14	data within the national or targeted surveys
15	that identify alcohol use and attitudes about
16	alcohol use during pre- and early adoles-
17	cence, including harm caused to self or oth-
18	ers as a result of adolescent alcohol use such
19	as violence, date rape, risky sexual behavior,
20	and prenatal alcohol exposure.
21	"(ii) Developing or identifying success-
22	ful clinical treatments for youth with alco-
23	hol problems.

1	"(C) PEER REVIEW.—Research under sub-
2	paragraph (A) shall meet current Federal stand-
3	ards for scientific peer review.
4	"(2) Authorization of Appropriations.—
5	There are authorized to be appropriated to carry out
6	this subsection \$6,000,000 for fiscal year 2007, and
7	\$6,000,000 for each of the fiscal years 2008 through
8	2010.".
	Attest:

Secretary.

# 109TH CONGRESS H. R. 864

## **AMENDMENT**